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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

MM Docket No. 87-268

In the Matter of

ADVANCED TELEVISION SYSTEMS  
AND THEIR IMPACT UPON THE  
EXISTING TELEVISION BROADCAST  
SERVICE

To: The Commission

COMMENTS IN RESPONSE TO DECEMBER 2, 1997 PUBLIC NOTICE

Pappas Telecasting Companies and its commonly-controlled affiliates (hereinafter, collectively, "Pappas"), which in the aggregate hold licenses or construction permits from the Commission to operate or build (as the case may be), or which propose to acquire, or which pursuant to time brokerage agreements provide programming and other services to, a total of 15 full-power television stations,<sup>1/</sup> by their undersigned attorney, respectfully submit these Comments in response to the Commission's December 2, 1997 Public Notice (the "Public Notice")<sup>2/</sup> inviting responses to the November 20, 1997 *ex parte* submission on behalf of the

<sup>1/</sup> The 15 stations are identified in Appendix A to these Comments.

<sup>2/</sup> The Public Notice is entitled, "FCC Seeks Comment on Filings Addressing Digital TV Allotments."

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Association for Maximum Service Television, Inc. ("MSTV") and the November 25, 1997 *ex parte* submission on behalf of the Association of Local Television Stations ("ALTV") in this proceeding.

1. With respect to MSTV's *ex parte* submission, Pappas wishes to point out -- as have others <sup>3/</sup> -- that MSTV's proposal for an "improved" Table of Allotments for Digital Television Broadcast Stations continues to avoid addressing the disparity in the power levels between the digital television ("DTV") broadcast channels allotted in the Commission's Sixth Report and Order in this proceeding <sup>4/</sup> to NTSC UHF stations ("U-to-U's") and the DTV broadcast channels allotted in the Sixth Report and Order to NTSC VHF stations ("V-to-U's").

2. Pappas respectfully submits that the Commission has not adequately considered the long-term, or -- for that matter -- even the short-term, implications of establishing a two-tiered television system in this country. U-to-U's have provided outlets for alternative programming, including the emerging challengers to the traditional "Big Three" national television networks <sup>5/</sup>; specialty networks <sup>6/</sup>; foreign-language networks <sup>7/</sup>; and other means of

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<sup>3/</sup> See, e.g., "Joint Response to *Ex Parte* Submissions of MSTV and ALTV," submitted as of the date hereof on behalf of Viacom Inc., Pappas, *et al.*, in response to the Public Notice.

<sup>4/</sup> FCC 97-115, adopted April 3, 1997 and released April 21, 1997.

<sup>5/</sup> Examples of such emerging networks are Fox Broadcasting Company and,  
(continued...)

distributing non-traditional programming to the American public. By establishing differential power levels between V-to-U's and U-to-U's that, in extreme cases, have ratios of as much as 20-to-1, the Commission is casting the U-to-U universe of stations into a competitive chasm that is far more severe than those stations have ever faced. Surely this Commission does not want to be remembered as the agency that doomed the distribution mechanisms for the variety of minority-oriented, youth-oriented, and other alternative programming that U-to-U stations have been carrying and promise to carry into the DTV era.

3. Pappas also has one specific complaint with MSTV's *ex parte* submission, and that relates to the proposed substitution of DTV Channel 63 as the so-called "paired" DTV channel allotment for WMMF-TV, NTSC Channel 68 in Fond du Lac, Wisconsin.<sup>8/</sup> The Sixth Report and Order had allotted DTV Channel 44 as WMMF-TV's paired DTV channel. According to the Sixth Report and Order, Channel 44 at Fond du Lac would suffer "new

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5/ (...continued)

more recently, The WB Television Network and the United Paramount Network.

6/ The recently-announced 1998 launch of PaxNet comes to mind. That network, as advertised, would feature so-called "family-friendly" programming.

7/ Examples include Univision, the leading Spanish-language television network, and Telemundo, Univision's chief competitor.

8/ The construction permit for WMMF-TV, a full-power television station which is authorized but not yet constructed, is held by Harry J. Pappas and his wife Stella A. Pappas. Mr. Pappas is the principal owner of Pappas.

interference" to 0.1% of WMMF-TV's predicted NTSC service area and 1.6% of WMMF-TV's predicted NTSC service population, and would result in a "DTV/NTSC Area Match" of 96.8%.

4. Based upon a late discovery of a possible problem relating to DTV-to-DTV adjacent-channel interference, MSTV's *ex parte* submission has proposed certain revisions to the Sixth Report and Order's Table of Allotments. One of those revisions relates to the DTV-to-DTV adjacent-channel relationship between the Sixth Report and Order's allotment of DTV Channel 44 to Fond du Lac and the Sixth Report and Order's allotment of DTV Channel 43 to Mayville, Wisconsin (as the paired DTV channel allotment for WWRN (TV), NTSC Channel 52 in Mayville). MSTV's *ex parte* submission calculates that, as corrected to take into account the recently-discovered DTV-to-DTV adjacent-channel interference phenomenon, the DTV Channel 43 allotment in Mayville would suffer greater interference to its service area and service population than was set forth in the Sixth Report and Order. Whereas the Sixth Report and Order calculated new interference to DTV Channel 43 to be 1.3% in service area and 0.8% in service population, with a DTV/NTSC Area Match of 100%, MSTV's *ex parte* submission revises those figures to show new interference to 2.8% of DTV Channel 43's service area and 1.4% of its population, with a DTV/NTSC Area Match of 99.9%. To remedy this problem, MSTV's *ex parte* submission proposes to substitute DTV Channel 63 for DTV Channel 44 at Fond du Lac. If DTV Channel 63 were allotted to Fond du Lac in lieu of DTV Channel 44, MSTV's *ex parte*

submission calculates that new interference to the DTV Channel 43 allotment at Mayville would be 2.6% in service area and 1.3% in service population, with a DTV/NTSC Area Match of 100%.

5. By allotting a DTV channel to Fond du Lac that is outside of the so-called "core" spectrum, MSTV would force Mr. and Mrs. Pappas to change WMMF-TV's channel twice: once from NTSC Channel 68 to DTV Channel 63, at or prior to the deadline in the year 2006 for the recovery of the NTSC channels; and then again from DTV Channel 63 to some other DTV channel within the core spectrum, after the recovery of the NTSC channels and the ascertainment of which channels within such core might be available to WMMF-TV. The costs of such a double channel conversion to a small, as-yet-unconstructed UHF station licensed to a small community are significant and vastly outweigh the fractional improvements in new interference to the service area (0.2%) and the service population (0.1%) and in DTV/NTSC Area Match (0.1%) for WWRS (TV)'s DTV channel allotment.<sup>9/</sup> For those reasons, Pappas

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<sup>9/</sup> The improvements to WMMF-TV's DTV channel allotment interference figures from the proposal in MSTV's *ex parte* submission are only slightly larger: new interference to service area would improve from 0.1% to 0.0%; new interference to service population would improve from 1.6% to 0.1%; and DTV/NTSC Area Match would improve from 96.8% to 100%. Though a bit greater than the improvements in interference to the DTV Channel 43 allotment at Mayville, the improvements in interference to the DTV channel allotment at Fond du Lac are marginal. That is especially true for WMMF-TV, an unconstructed station which has not yet been on the air and therefore has no record of a "service" area or a "service" population. And, in any event, as the affected parties, Mr. and Mrs. Pappas feel strongly that the improvements in new interference to the DTV channel allotment at Fond du Lac are overwhelmed in significance (continued...)

strongly opposes the MSTV *ex parte* submission, and urges the Commission either to let stand undisturbed the DTV channel allotments to Fond du Lac and Mayville that were made in the Sixth Report and Order, or to find an alternative solution to the DTV-to-DTV adjacent-channel configuration between Fond du Lac and Mayville that does not visit disproportionate harm upon either or both of the two affected stations.

6. ALTV's *ex parte* submission offers a creative suggestion for redressing the imbalance in the U-to-U *versus* V-to-U DTV power levels. The genius of ALTV's proposal for the use of beam-tilted antennas is that it would not materially affect the Sixth Report and Order's Table of DTV Channel Allotments, nor would it have any significant impact upon co-channel and adjacent-channel interference relationships among DTV channel allotments set forth in the Sixth Report and Order. Rather, ALTV's proposal would enable each DTV station, especially U-to-U's, to utilize higher power levels than contemplated in the Sixth Report and Order, without materially affecting the effective field intensity of the station's signal at its protected contour.

7. The Commission is fully aware that the decisions reached in this proceeding will affect both the quantity and quality of free, over-the-air television broadcasting

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9/ (...continued)

by the costs of a double channel conversion that the MSTV *ex parte* submission would foist upon them.

for the next generation or more. Steps must be taken to ensure that a privileged class of V-to-U's does not enjoy such a substantial government-mandated advantage over its competitors as to draw the country back to the days before the 1980's, when only three networks were available to most television viewers. The costs of converting NTSC stations to their DTV channels, with no assurance that audiences or advertising support will be found on the other side of that conversion, is daunting enough. To introduce a structure of radically-different coverage potentials ensuring drastic competitive imbalances among and between the stations undertaking that conversion would represent a form of governmental industrial policy of the worst kind.

8. Pappas also wishes to point out one potential problem with the Commission's DTV channel allotment scheme as set out in the Sixth Report and Order. In Paragraph 102 of the Sixth Report and Order, the Commission determined that DTV channel allotments would be based upon the assumption that the DTV channels would be used at the site of each station's respective NTSC transmitter location, and that each station would be given flexibility to place its DTV station antenna within three miles of the site of its NTSC station antenna. Pappas respectfully urges the Commission to allow even greater flexibility than this so-called "three-mile" rule.

9. In Omaha, Nebraska, one of the Pappas affiliates owns and operates Station KPTM (TV) on NTSC Channel 42. The KPTM tower is located in Sarpy County,

Nebraska, south of Omaha. The tower has been constructed to support additional antennas. More than one of the three NTSC VHF, network-affiliated stations that are licensed to Omaha <sup>10/</sup> has expressed an interest in moving its DTV station antenna to the Pappas tower in Sarpy County. However, to do so, the affected stations would be moving their DTV station antennas more than three miles from the sites of their NTSC station antennas. For that reason, Pappas specifically urges the Commission to permit NTSC stations to install their DTV station antennas at a distance of more than three miles from their NTSC station antennas. As Pappas's experience in Omaha demonstrates, such additional flexibility will allow stations to make better use of existing antenna tower structures, which will have a beneficial impact upon the costs of DTV conversion, upon the environment, and upon aeronautical navigation.

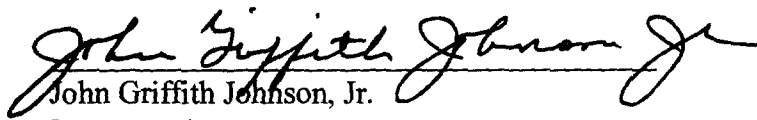
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<sup>10/</sup> KMTV (TV), NTSC Channel 3, a CBS affiliate; KETV (TV), NTSC Channel 7, an ABC affiliate; and WOWT (TV), NTSC Channel 6, an NBC affiliate.



Respectfully submitted,

**PAPPAS TELECASTING COMPANIES  
AND ITS AFFILIATES**

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December 17, 1997

## **APPENDIX A**

The commonly-controlled affiliates of Pappas Telecasting Companies, and their associated television stations, are shown below:

**Pappas Stations Partnership (as Licensee):**

KMPH (TV), Channel 26, Visalia, California  
KREN (TV), Channel 27, Reno, Nevada  
KPTM (TV), Channel 42, Omaha, Nebraska

**Pappas Concord Partners (as Licensee):**

KTNC (TV), Channel 42, Concord, California  
KFWU (TV), Channel 8, Fort Bragg, California

**Pappas Telecasting of the Midlands,  
a California Limited Partnership (as time broker):**

KXVO (TV), Channel 15, Omaha, Nebraska

**Pappas Telecasting of the Carolinas,  
a California Limited Partnership (as Licensee):**

WASV (TV), Channel 62, Asheville, North Carolina

**Pappas Telecasting of Lexington,  
a California Limited Partnership (as Licensee):**

WBFX (TV), Channel 20, Lexington, North Carolina

Pappas Telecasting of Opelika,  
a California Limited Partnership (as Licensee):

WSWS (TV), Channel 66, Opelika, Alabama

Pappas Telecasting of Sioux City,  
a California Limited Partnership (as Permittee):

KPTH (TV), Channel 44, Sioux City, Iowa

Harry J. Pappas and Stella A. Pappas (as Permittee):

WMMF (TV), Channel 68, Fond du Lac, Wisconsin

Pappas Telecasting of Central Nebraska,  
a California Limited Partnership (as time broker):

KSNB (TV), Channel 4, Superior, Nebraska  
KTVG (TV), Channel 17, Grand Island, Nebraska

Pappas Telecasting of Central Nebraska,  
a California Limited Partnership (as time broker and proposed purchaser):

KHGI (TV), Channel 13, Kearney, Nebraska  
KWNB (TV), Channel 6, Hayes Center, Nebraska